

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. In addition, Applicant appreciates the courtesies of the interview conducted between the Applicant, Applicant's representative and the Examiner on November 13, 2002.

Claims 1, 5, 6, 8, 9, 11-16, 18, 20, 22, 23 and 25 are currently pending in the instant application. Claims 1, 5, 6, 16, 18, 20 and 25 have been amended. Claims 1 and 16 are independent. Claims 2, 4 and 24 have been cancelled. Reconsideration of the present application is earnestly solicited.

Claim Rejections Under 35 U.S.C. § 112

Claims 22 and 24 stand rejected under 35 U.S.C. § 112, first and second paragraphs, as allegedly being unsupported by the specification and/or as being indefinite. These rejections are respectfully traversed.

As discussed during the telephonic interview with the Examiner, it is Applicant's understanding that the Examiner views the term "any human induced triggering event (emphasis added)." Without conceding the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the present application, Applicant has amended these claims to include the limitation of "a human induced triggering event."

As indicated by the Examiner in the office action (page 4, paragraph 2), the Examiner's position is that the specification does not disclose any human

induced triggering event, but “the specification discloses some induced triggering events.” Accordingly, this rejection should be obviated and/or rendered moot.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-2, 4-6, 8-9, 11-16, 18, 20 and 22-25 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Masaki (JP 9-226635). This rejection is respectfully traversed.

Applicant respectfully submits that Masaki fails to teach or suggest each and every limitation of the unique combination of elements of the independent claims. Accordingly, this rejection should be withdrawn.

With respect to the claimed invention of claim 1, the prior art of record fails to teach or suggest the combination of elements of the claimed invention, including the limitations of means for manually triggering a preservation of captured scenes and means for capturing, buffering and preserving visual scenes with a non-optical, persistent storage unit. Although the Examiner asserts that the Masaki reference teaches these features, the following discussion clearly shows that the Masaki reference fails to teach or suggest these features as claimed.

With respect to claim 16, the prior art of record fails to teach or suggest the combination of elements of the claimed invention, including the limitations of “manually triggering a permanent preservation of a plurality of frames of

said buffered images; wherein said permanent preservation of a plurality of frames of visual scenes is achieved by prohibiting older said images from being erased and replaced by newer images such that said plurality of frames stored are composed of a number of images captured so many seconds before, during and after said triggering;" and "preserving said buffered images when said triggering occurs, wherein said preserving of said buffered scenes is achieved by prohibiting older said buffered scenes from being erased and replaced by newly captured scenes after a preprogrammed elapsed time period such that said plurality of said visual scenes are comprised of a number of said captured scenes captured a number of seconds before and after said manual triggering."

Manual Trigger

As discussed during the telephonic interview of November 13, 2002, Applicant respectfully submits that Masaki does not teach or suggest any "manual trigger" or means for manually triggering. The translation submitted to the Examiner does not support this interpretation. However, it is Applicant's understanding that the Examiner will be ordering a full translation of this reference through the U.S. Patent Office to clarify these issues.

Although the Examiner has interpreted the on/off switch (element 2d) of the Masaki patent as a manual trigger, Applicant respectfully submits that this feature as shown and described by Masaki is simply an off/switch for controlling power to the unit. In the claimed invention, the manual trigger

controls a preservation of captured scenes. In the Masaki reference, the device is simply turned on and off by the alleged “manual trigger.” This is further described in paragraphs 0028, 0029, 0037, 0038 and 0044 of Masaki (the translation provided to the Examiner). The Examiner will also note that only an impact or accident actually “stops recording operations.” (see paragraph 0038).

It is Applicant’s understanding that the Examiner believes that the Masaki reference can read on the claimed invention if the Masaki device is already powered on and operating under “automatic” capabilities. The operator can then trigger the stopping of recording of data by powering off the on/off switch (element 2d in Masaki). Accordingly, data before and after the accident or incident would allegedly be recorded with the Masaki device. Even if this were true, the Masaki device cannot accomplish the features of the claimed invention, e.g., recording based upon “manual” activation.

Applicant submits that the claimed invention requires “manually triggering a permanent preservation of a plurality of frames of said buffered images; wherein said permanent preservation of a plurality of frames of visual scenes is achieved by prohibiting older said images from being erased and replaced by newer images such that said plurality of frames stored are composed of a number of images captured so many seconds before, during and after said triggering (emphasis added).” Accordingly, the Masaki device cannot record data before and after the triggering action, since the triggering action

the Examiner is referring to is simply turning the unit on or off, e.g., the device cannot record if it is not turned on. In addition, the only "triggering" action even remotely suggested by the Masaki device is automatic triggering, e.g., induced by sensors detecting an external event. Accordingly, the Masaki device does not include a feature of recording visual and/or audio data before and after a manual triggering action occurs. Masaki explicitly states that it does not accomplish this feature. Therefore, this rejection should be withdrawn.

The following example demonstrates how the manual triggering of the claimed invention differs from the prior art. In an accident involving another vehicle in front of the operator of the claimed invention, e.g. the accident is so far ahead of the vehicle that automatic sensors such as audio or impact sensors would not detect the accident since it does not involve the vehicle having the claimed invention installed on board. If the accident spans 20 seconds in length from start to finish, the manual trigger may be activated 10 seconds into the accident by the operator in the claimed invention. In this case, the claimed invention would capture and preserve buffered scenes both before and after the manual triggering, e.g. from 0-10 seconds and from 10 to 20 seconds in this example and assuming a preprogrammed period of time of 20 seconds or more.

Applicant fails to appreciate how the on/off switch of Masaki can be interpreted as a manual trigger that can be used in conjunction with the memory of Masaki to accomplish this claimed feature. Even if the on/off

switch of Masaki were operated quickly, e.g., rapidly turned on and off by an operator, the scenes captured would not serve to preserve buffered scenes achieved by prohibiting older buffered scenes from being erased and replaced by newly captured scenes after *a preprogrammed elapsed time period* such that said plurality of said visual scenes are comprised of a number of said captured scenes *captured a number of seconds before and after said manual triggering.* *(emphasis added)* Accordingly, this rejection to claims 1 and 16 should be withdrawn.

If the Masaki device were turned off at the end of the accident, the Masaki device would not capture scenes occurring after the alleged manual triggering action. If the Masaki device were turned on during the accident, the Masaki device would not capture scenes occurring before and after the triggering action, e.g., there would not even be any buffered scenes from before the triggering action to preserve.

The only triggering action or device discussed by Masaki is automatically, e.g., through an impact sensor. Masaki never describes or suggests a manual trigger for generating capturing or preservation of buffered scenes. Applicant is respectfully requested to contact the undersigned via telephone if the Examiner still believes that Masaki teaches or suggests the feature of a manual trigger as claimed after consideration of the foregoing amendments and remarks and/or after receiving a new translation of this document. Accordingly, these

rejections should be withdrawn and the present application should be passed to Issue.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *James T. Elder* #39,538
F. Prince Butler
Reg. No. 25,666

W
FPB/MTS/mmi

P. O. Box 747
Falls Church, VA 22040-0747
(703)205-8000

Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

22. (Amended) A digital incident recording apparatus as recited in claim 1, wherein said manual activation is [any] a human induced triggering event.

24. (Amended) A method for digitally recording incidents as recited in claim 16, wherein said manually triggering is [any] a human induced activation event.